

REMARKS

The Office Action mailed May 12, 2005 has been carefully considered. Claims 1, 2, 4, 10, 15, 16, 17 and 19 have been amended. As the number of independent claims and the total number of claims has not increased, no new fees are required for the new claims.

The Examiner rejected claims 1, 2, 10, 11, 15, 16 and 19 under 35 U.S.C. §112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicants regard as the invention. Applicants have amended these claims so as to address each of the Examiner's concerns, and applicants believe the Examiner's Section 112 rejection is now moot. Applicants note that the objections relative to the term "surface meets" appear to be in error, since such term is not included in the claims. Furthermore, the objection relative to the term "is" also seems to be inappropriate.

The Examiner also rejected claims 1-11, 13-17 and 19 were rejected under 35 U.S.C. §103(a) as being unpatentable over Caputi (U.S. Patent No. 5,980,260) in view of Numoto (U.S. Patent No. 5,380,233).

The references cited by the Examiner fail to teach or suggest such a unique combination. The patent to Caputi was cited as disclosing the claimed invention but for having an arcuate ridge, a means for limiting the rotational and linear movement of the appendage relative to the body comprised of a pair of complementary ribbed elements disposed on the planar surfaces, wherein one set of ribbed elements are comprised of beveled raised elements and the other set of ribbed elements are comprised of beveled recessed elements that engage each other when the appendage is attached to the body; the magnetic elements are disposed within the planar surface

of the body and appendage; and wherein the ribs are approximately 0.75 mm wide and 0.75 mm deep and have a diameter of approximately 9.75 mm. The Examiner contends that such attachment means are taught by Numoto, and that it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the toy of Caputi, in view of Numoto, such that it would provide the toy of Caputi with the concept of the aforementioned limitations for the purpose of providing a stronger and more secure attachment structure for the appendages and body of the toy.

Applicant respectfully disagrees with the conclusions reached by the Examiner. The particular structure of the instant invention is intended not only to provide a stronger and more secure attachment structure, but also to provide a more lifelike appearance to the toy animal. As described in the claims, as amended, there are two structures provided in the instant invention that are intended to serve this dual purpose – the corresponding complementary ribbed elements and the raised arcuate shoulder element. The latter feature covers only the upper surface of the planar attachment surface on the body of the animal, and includes an opening at the bottom thereof for allowing the appendages to be slid into place. Such feature is neither taught nor suggested in either Caputi or Numoto, and such feature provides a more secure and lifelike attachment means than either patent contemplates.

The benefit of the arcuate shoulder element is further highlighted by the fact that the appendages on the toy of the instant invention are disposed on the sides of the toy's body. Thus, when the appendages, whether they be arms or legs, are in place and the toy is placed on a surface, the weight of the toy's body is being borne by the legs and/or arms. There is therefore a tendency for the body of the toy to slide down along the planar surface of the appendages and/or

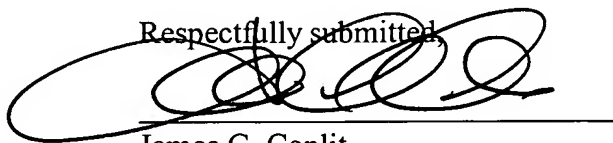
to disengage the complementary ribbed elements by biasing the two planar elements apart. The upper arcuate shoulder elements prevent this from happening, since the upper surface of the shoulder prevents the planar surfaces from sliding relative to each other. This feature is certainly neither disclosed nor suggested in any of the prior art cited by the Examiner.

For the aforementioned reasons, applicant submits that amended claim 1 patentably distinguishes over the references cited by the Examiner taken alone or in combination. None of these references teach or suggest the unique combination of elements described in the claims, as amended. Claims 15 and 19 have similarly been amended so as to include the same limitations provided in claim 1 (amended) and therefore patentably distinguish over the references cited by the Examiner.

Applicant further submits that dependent claims 2-11, 13-14, 16 and 17 patentably distinguish over the references of record for the same reason as claims 1 and 15 (amended), and are therefore also in condition for immediate allowance.

In light of the amendments and remarks, applicant respectfully submits that this application is now in condition for allowance, and an early Notice of Allowance is hereby respectfully requested.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'James G. Coplit', is written over a horizontal line. The signature is stylized with loops and flourishes.

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